

GOVERNMENT ANDHRA PRADESH
ABSTRACT

Panchayats – Appeal Petition filed by Sri M. Ilaiah, Sarpanch (Removed), Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District – Against the proceedings of the District Collector (PW), Nalgonda District – Appeal Petition Rejected – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O.Rt.No. 1129

Dated:19- 07-2011.

Read the following:-

1. From the Dist. Collector (PW), Nalgonda Roc. No. 764/09-B1(Pts),dt 9-03-2010.
2. Appeal petition received from Sri M. Ilaiah, Sarpanch (Removed), Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District. dt. 13-03-2010.
3. Govt.Memo.No.7550/Pts.II/A1/2010-1, dt.6.4.2010.
4. From the CPR & RE., A.P. Hyderabad Memo.No.4481/CPR&RE/D1/2010, Dt.17.4.2010.
5. From the Dist. Collector (PW), Nalgonda Roc. No. 764/09-B1(Pts),dt 20-04-2010.
6. From the DPO, Nalgonda Roc. No. 764/09-B1(Pts), dt 9-08-2010.
7. Govt.Memo.No.7550/Pts.II/A1/2010-18, dt. 15-11-2010.
8. From the DPO, Nalgonda Roc. No. 764/09-B1(Pts), dt 20-11-2010.
9. From the DPO, Nalgonda Roc. No. 764/09-B1(Pts), dt 31-01-2011.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nalgonda District has removed Sri M. Ilaiah from the post of Sarpanch, Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District under section 249 (1) of APPR Act,1994 for misappropriation of funds to a tune of 2,31,472/-.

2. Aggrieved by the said orders, in the reference 2nd read above, Sri M. Ilaiah, Sarpanch (Removed), Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District has filed an Appeal Petition before Government with a request to grant stay against the proceedings of District Collector, dt.13.3.2010.

3. In the reference 3rd read above, Government while granting stay against the proceedings of the District Collector (PW), Nalgonda has called the report of the District Collector in the matter.

4. In the reference 5th read above, the District Collector (PW), Nalgonda has reported that based on the complaint given by Upa- Sarpanch and certain ward members of Kolanupaka Gram Panchayat, Nalgonda District a detailed report has been called for from the Divisional Panchayat Officer, Bhongir by restricting the cheque drawn powers. After detailed examination of the explanation submitted by the Sarpanch of Kolanupaka gram panchayat orders were issued removing Sri M. Ilaiah from the post of Sarpanch, Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District for misappropriation of funds to a tune of Rs. 2,31,472/-. In the reference 6th read above, the District Panchayat Officer, Nalgonda Lr. Dated. 9.8.2010 has reported that the Sarpanch has remitted the misappropriated amount of Rs. 2,31,472/- into the Gram Panchayat funds.

5. The case was heard on 29-10-2010. The Advocate attended on behalf of Upa-Sarpanch has presented that the Quasi-Judicial Authority should confine to

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examine whether the Collector has exercised his powers within the ambit of the provisions of Sub-section (1) of Section 249 of APPR Act and cannot stretch beyond that and he has been asked to submit written arguments on behalf of the Upa-Sarpanch for which he has agreed to. Action should be taken against the Sarpanch since there are procedural lapses in giving permission to certain layouts. Hence, the District Panchayat Officer, Nalgonda has been instructed to inspect the village personally and report on the alleged layouts said to have been permitted by the Sarpanch by posting the case on 23.11.2010 at 3.30 p.m. vide reference 7th read above.

6. In the reference 8th read above, the District Panchayat Officer, Nalgonda Lr. Dated. 20.11.2010 has reported that the Sarpanch and the Ex-Panchayat Secretary of Gram Panchayat, Kolanpaka have put their respective signatures on (6) layouts in violation of Rule 4 and Rule 11 of the layout rules in G.O.Ms.No.67 PR & RD(Pts.IV), dated 26.2.2002, without insisting for 10% of the total site area for earmarking to Gram Panchayat, without (10) meters width roads, NALA certificate and without insisting the layout party to submit layout proposals in Annexure – A (along with enclosures prescribed) and without forwarding the layout proposals to the District Town & Country Planning Officer for technical approval under Rule 11 which is against the layout rules issued in G.O.Ms.No.67 PR & RD (Pts.IV), dt.26.2.2002. No layout files are available, except one relating to M.V. Developers Sy.No.1505 in the Gram Panchayat Office, Kolanupaka, Nalgonda District.

7. The Case was heard again on 17.01.2011, it has instructed to the District Panchayat Officer to submit the report on the total acre-rage, quantum of 10% of the land and amount loss to the Gram Panchayat in respect of the Layouts and send a report by adjourning the case.

8. In the reference 9th read above the District Panchayat Officer, Nalgonda Lr. Dated. 31.1.2011. has reported that an amount of Rs. 9,66,321/- was loss to the Gram Panchayat on account of 10% land of non earmarking.

9. The case was again heard on 16-04-2011 and adjourned. The case was again heard on 29-06-2011. The District Panchayat Officer, Nalgonda, Sarpanch of Kolanupaka Gram Panchayat and Advocate on behalf of the complainant have attended the hearings. The District Panchayat Officer has explained that the Sarpanch had sanctioned 6 (Six) layouts without following the rules issued in G.O. Ms. No. 67, PR & RD Deepartment, dated 26-02-2002 without insisting for 10 % of the total site area for earmarking to Gram Panchayat. The Sarpanch has stated that the cost of the 10% of the land of 3 (Three) layouts was recovered to Gram Panchayat and he has issued show cause notices to others for cancellation. The District Panchayat Officer and the counsel for the complainant have condemned the above statement of the Sarpanch. After hearing them and after perusal of the records made available, it is observed that the Sarpanch has violated the rules issued in G.O. Ms. No. 67, PR & RD Department, dated 26-02-2002 in sanctioning the 6 (Six) layouts, which caused loss to the Gram Panchayat. Hence, it is a felt that there is no reason to interfere with the orders passed by the District collector (PW), Nalgonda in removing the Sarpanch of Kolanupaka Gram Panchayat.

10. Government after care full examination of the matter and material available in the records hereby rejected, the Appeal Petition filed by Sri M. Ilaiyah, Sarpanch (Removed), Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District duly vacating the stay orders issued by the Government vide reference 3rd above and confirmed the proceedings of the District Collector (PW), Nalgonda issued vide reference 1st read above.

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11. The District Collector (PW), Nalgonda District shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector (PW), Nalgonda District.

Copy to:-

The Commissioner, Panchayat Raj and Rural Employment, A .P. Hyderabad.

The District Panchayat Officer, Nalgonda District.

Sri M. Ilaiah, Sarpanch (Removed), Kolanupaka Gram Panchayat, Alair Mandal, Nalgonda District.

M/S S. Sharath Kumar, D.No. 6-2-1/6, Opp Hyderabad Sweets, Lakdi-ka-pool, Hyderabad.

The P.S. to M(PR&RWS).

Sf /Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER